

FINDING AND RECOMMENDATION

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Finding: (Topic: Equipment in SEZ's)

Many fuel reduction projects are located in SEZ's, and will require the use of mechanical methods in order to be performed.

Background and supporting evidence:

- a. Fuel reduction projects in SEZ's can be accomplished using equipment of a kind and in a manner that will adequately mitigate short-term impacts, thereby reducing any negative water quality impacts from soils compaction to an acceptable level. Performing of these projects, to the extent made possible by the capabilities and efficiencies of equipment use, will provide long term protection of water quality from the effects of catastrophic fire for larger areas of land than would be possible if equipment were not used.
- b. In the past, many fuel reduction project areas contained SEZ areas in which fuel reduction activities were either not performed at all, or were performed by hand, leaving burn piles in areas immediately adjacent to SEZ areas for future elimination. The reasons were that hand-thinning methods were either too unsafe, expensive, or were infeasible due to the sizes of the trees needing treatment.
- c. In the Angora Fire, untreated areas served as a "wick" advancing the severity of the crown-level fire. According to the post-fire effectiveness report by the U.S. Forest Service (USFS), areas with remaining burn piles performed little better than areas that had received no treatment at all.
- d. Even though Lahontan (LRWQCB) regulations allowed exemptions for use of equipment in SEZ's since 1994, only 4 projects were brought in front of the LRWQCB Board for action. The reason for so few projects is that all were "pilot" projects, and the conditions for use of "innovative" equipment were so cost prohibitive as to amount to an equipment use prohibition. In testimony, the staff has stated that they "weren't willing to challenge themselves with more difficult equipment use projects." Specifically, they would not take the time to define "innovative equipment" and/or were unwilling to accept project proponent arguments that existing, proven, low impact equipment was "innovative." Several proponents of those projects have indicated that they were informed by staff that the project would not be permitted under a timber waiver. Discussions with proponents indicate that this dialogue resulted in at least 50 projects being dropped, with no application ever being made. A minor 23- acre USFS pilot project required at least a year and a half of negotiations before being approved.

Recommendations to Governors:

- a. Direct state agencies to consider fire risk reduction an overriding priority in considering applications for use of equipment for fire risk reduction purposes.

- b. Direct state agencies (and TRPA, if necessary) to make the following changes and *report back with specific actions that will be made, and when*:
1. California: Employ California Forest Practices Act provisions for watercourse protection in equipment application and use in the Tahoe basin. These “standard practices” are known by potential contractors, so their use will reduce a barrier to bidders. Any Basin departure from these practices must specifically identify the environmental and efficiency tradeoffs, and be justified by a governing body.
 2. In the past, SEZ areas have received “one size fits all” regulatory treatment, but all are not the same as to disturbance sensitivity. Define SEZ areas in appropriate gradients of sensitivity to equipment use, and adjust requirements accordingly.
 3. Retain an independent professional soils contractor to map the on-the-ground boundaries of SEZ’s on state and private lands on which fuels reduction projects are expected. (The USFS indicates that it has adequately mapped its own lands.) Based on advice from soils professionals, obtain up-front agreement on criteria. Gradients of sensitivity should generally be based on comparative vegetation types and moisture depths. Revise gradients of SEZ-specific fuels reduction practices accordingly.
 4. Establish “standard” project performance practices using existing data from studies and results from completed demonstration projects conducted both in and out of the Tahoe Basin. Apply the same practices to equipment having similar measured impact as a basis for also making those projects 1A exempt.
 5. Revise regulations to make fuel reduction projects 1A exempt.
 6. Specifically make the areas located in SEZ’s that are in the 10 year plan 1A exempt.
 7. Revise regulations to allow pile burning and chipping in SEZ’s based on a desired performance standard “on the ground” ending condition for the soils affected.
 8. Revise “permanent disturbance” definition from the current one year standard.
 9. Use up-front project planning consultation on fuel reduction projects as a basis for minimizing any multiple alternative requirements in state environmental processes.
 10. Eliminate the over the snow standard from the 208 plan for wildland fuel reduction, forest health, and watershed restoration projects. This provision does not suit the practical requirements of fuels reduction projects, which require cutting stumps to ground level, and removal of excess vegetation.
- c. Once the activities in item “b” above are accomplished, reduce the scope of permitting requirements, recognizing that their implementation has reduced water quality risks.
- d. Per items b.4 and b.6 above, it is expected that most future projects proposing to use equipment in SEZ’s will be category 1A exempt. To the extent that fire risk reduction projects proposing to use equipment come forth in the future and are not 1A exempt on the basis of employing provisions b.4. and b.6, require staffs to bring those proposals to their Boards for consideration of the balance between fire risk reduction benefits and potential water quality impacts.

Impacts of implementation:

- a. Cost: Expected to reduce average cost/acre for work, but analysis is needed.
- b. Funding source: Existing fuels reduction funding sources.
- c. Staffing: Existing project planning and management staffing, with work probably made easier by ability to use equipment instead of managing manual treatment and burn piles.
- d. Existing regulations/laws: Modified based on finding and actions of Governors.